

MEMO

Submitted by: Ezra Rapport, Deputy Executive Director

Subject: ABAG's Work Concepts Regarding the Sustainable Communities Strategy

Date: July 16, 2009

Executive Summary *(Brief narrative summary of issue or bullets outlining issue)*

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) are currently working on the development of a work plan for the Sustainable Communities Strategy (SCS) under the provisions of SB 375. The SCS is a policy document required to be adopted as part of the next Regional Transportation Plan (RTP). The SCS/RTP includes land use and transportation policies and investments that address climate change, regional traffic congestion, and the reduction of carbon emissions from cars and light trucks in accordance with the regional targets to be established by the California Air Resources Board (CARB). The SCS work program has two fundamental components: an analysis of regional sustainability coupled with an extensive public participation effort.

Recommended Action *(Brief description of action needing approval or outcome proposed)*


None – Informational item

Next Steps *(Outline describing process/steps needed for implementing action)*

Upon incorporation of the Executive Board's input and in coordination with MTC and our partner agencies, staff proposes initial discussions commencing this fall with local jurisdictions, CMAs, and other key stakeholder entities to refine a potential SB375 public participation process and work plan based on guiding policies expected to be adopted by the Joint Policy Committee in September 2009.

Attachments:

MEMO

To: ABAG Executive Board
From: Ezra Rapport, Deputy Executive Director 
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Summary

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) are currently working on the development of a work plan for the Sustainable Communities Strategy (SCS) under the provisions of SB 375. The SCS is a policy document required to be adopted as part of the next Regional Transportation Plan (RTP). The SCS/RTP includes land use and transportation policies and investments that address climate change, regional traffic congestion, and the reduction of carbon emissions from cars and light trucks in accordance with the regional targets to be established by the California Air Resources Board (CARB).

The Sustainable Communities Strategy, as defined in Senate Bill 375, primarily encompasses transportation and land use planning, modeling, and outreach work by the MTC and ABAG. Preparing the SCS will require the significant involvement of, and discussion with local governments, transportation agencies and other stakeholders regarding the feasibility of alternative strategies to meet the target emissions. The SCS/RTP will also require the development of new tools to perform a comprehensive analysis of the relationship between land use patterns and transportation investments measures and policies. The SCS should be completed by the end of 2011 or early 2012 in order to influence the investment program included in the RTP. The RTP, including the SCS and investment program, will be adopted in winter 2013.

In the past, ABAG's Projections did not require an environmental impact report (EIR). The SCS is likely to require an EIR, either as part of the Regional Transportation Plan or separately. MTC and ABAG's legal counsels are analyzing the specific CEQA requirements of SB375.

ABAG and the other regional agencies have programs that address climate change issues that may be outside the scope of the SCS, and these programs can potentially make significant contributions in achieving climate change goals. To the extent possible, the policy objectives of regional and local government climate change programs and the development of the SCS should converge and reinforce each other.

The FOCUS program, a multi-agency effort, has laid a foundation for the SCS, by having local governments voluntarily identify Priority Development Areas (PDAs) within the region as opportunities to create higher-density development supported by transit. ABAG and MTC's goal is to promote public and private investment to implement PDA plans as one of the principal land use strategies of the SCS. Making progress with FOCUS within the SCS requires the investment of new and significant public resources, as well as assisting local governments in their planning efforts to overcome implementation barriers.

The ability of ABAG and MTC to provide a robust analysis and engagement strategy is highly dependent on available resources. SB 375 mandated certain documents and processes, but did not provide a funding source. The Legislature is currently considering SB 406, which would allow for MTC/ABAG to impose a vehicle registration fee of a maximum of \$2 to fund both local governments and the regional agencies to perform the work. At the time of this writing, the fate of SB 406 is not yet known. Staff is developing a work program with the other regional agencies that approaches SB 375 utilizing existing funding, with an eye towards how the program will be upgraded should additional resources be made available.

Scope of the Sustainable Communities Strategy

The SCS brings together the Regional Transportation Plan developed by MTC with the land use forecasts and the Regional Housing Needs Allocation developed by ABAG. Historically, each of these efforts has been approached and developed independently of one another. Under SB 375, these programs will be integrated and interdependent. The current RTP, Transportation 2035, began this process by using an alternative land use scenario developed by ABAG and MTC. The SCS will require local governments and other partners to absorb and understand the opportunities related to the interconnections between these programs.

The Federal Clean Air Act, which SB 375 references, requires that the SCS be realistically attainable as part of the RTP. SB 375 also provides for the development of an Alternative Planning Strategy (APS), which is not constrained for feasibility under federal law like the SCS/RTP. Staff is proposing that the APS be defined as an increment or "delta" that builds upon and supplements the SCS to maximize the impact on future policy and investment decisions. The APS can identify a land-use pattern that might be achievable should expanded resources be available to further influence the region's future pattern of growth. The APS then acts as an advance planning function for the development of future SCS/RTPs. The SCS and APS together would then become a "vision" strategy.

The SCS work program has two fundamental components: an analysis of regional sustainability coupled with an extensive public participation effort.

Analysis of regional sustainability

Senate Bill 375 sets out a number of specific requirements for a region to use in developing the Sustainable Communities Strategy, as part of the Regional Transportation Plan. Much of this work has already been initiated by the FOCUS program and related implementation efforts, and

Projections 2009 (Building Momentum). This existing body of work acts as the foundation for future analysis and progress in meeting the objectives of the SCS. The regional agencies are required to

- Identify uses for various locations, residential densities, building intensities, and areas sufficient to house the region's entire population integrated with a transportation network and with transportation measures and policies.
- The population increase resulting from job growth, other in-migration, or natural increase, should be accommodated within the region's boundaries.
- Consider the best scientific information on resource and farming lands, state housing goals, and spheres of influence adopted by LAFCOs.
- Allow compliance with Clean Air Act conformity provisions.
- Quantify greenhouse gas reductions and any difference from ARB-set target

[Govt. § 65080 (b)(2)(B),(F),(G)]

In addition, "[t]he region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan." (SB 375 Section 8, Section 65584.01 d (1) (c))

As described in the staff memo of May 21, 2009, ABAG and MTC are working on improvements to land use models, transportation models, and the ability of those models to work together. With concentrated effort by the staff of each agency, we expect to be able to begin to develop joint land-use and transportation scenarios in early 2011 that could be used to help shape the investment plans and the policy choices in the next Regional Transportation Plan.

MTC and ABAG staffs are restarting a Modeling Technical Advisory Committee that had been part of the Congestion Management Program. The committee made up of staff from the Congestion Management Agencies, MTC and ABAG would discuss technical transportation and land-use modeling issues as they relate to regional and local planning.

Public participation

SB 375 explicitly designates the charge to "***develop overall guidelines, create public participation plans, ensure coordination, resolve conflicts, make sure that the overall plan complies with applicable legal requirements, and adopt the plan for the region***" to the metropolitan planning organization. Furthermore, it quantifies the number of public hearings for the public and local elected officials, suggesting outreach to specific stakeholders, and prescribes specific components of engaging the public.

The public participation plan for the Sustainable Communities Strategy (SCS) will be developed jointly by MTC and ABAG, and as appropriate, with the Bay Area Air Quality Management District (BAAQMD) and the Bay Conservation Development Commission (BCDC). The following elements are under consideration:

- Agreement between MTC and ABAG on the principles of the public participation plan, committing resources for the development and implementation, and support of the process;
- Development of a solid multi-tiered plan that draws from best practices, and remains flexible to modification as necessary;
- Engagement with local governments as partners.

As the SCS will, among other things, constitute the land-use allocation element of the RTP, the public participation plan will need to be closely correlated to the outreach plan for the RTP infrastructure investment element – an outreach plan greatly expanded and strategically executed not just to comply with legal requirements but to align with the spirit of the law.

The adopted public participation plan must include efforts to encourage active participation of a broad range of stakeholder groups, consultation with Congestion Management Agencies (CMAs) and transit agencies, and workshops throughout the region to provide the public with information and tools necessary to establish a clear understanding of the issues and policy choices. The law requires urban simulation computer modeling to create visual representations of the SCS.

A successful public participation plan must actively engage local jurisdictions in the development of the SCS. Through participation in the FOCUS program, many cities and counties have demonstrated their support of compact development and they are the logical entities to directly engage residents of their jurisdictions. This engagement can signal their buy-in as partners in the SCS and will provide an opportunity for them to further explore the kind of future communities residents of their jurisdictions really want.

From a historical perspective, the public participation plan for the SCS will be greater in breadth and depth than any of previous involvement efforts coordinated by MTC or ABAG. Staff envisions that it must also be much more far-reaching and comprehensive than that required by statute. It is a tremendous opportunity to develop and execute a comprehensive, multi-tiered civic engagement program where communities can begin the process of reconnecting, and with diligent effort, identify solutions that address key areas of sustainability, adaptability, and resiliency that respond to the many challenges within the region.

ABAG staff has embarked upon extensive research into civic engagement and best practices and is developing a synopsis of methods suited to the public participation plan. Some of the approaches to be considered include:

- *Web Based Communication* - The web is a powerful medium for delivering information, especially in such a large and diverse region. MTC and ABAG could develop an interactive web site that provides general information, updates, status reports, document postings and accommodates stakeholder feedback and comments. Several companies have developed online engagement platforms around planning issues to assist governments in connecting with citizens. Online tools can also be used to survey participants on values and prioritization with respect to planning. For an example of high-quality work in this work, see the Chicago 2040 Plan. (<http://www.goto2040.org/>)
- *Multi-Tiered Engagement Plan* –SB 375 requires MTC and ABAG to engage a diverse set of interests including affordable housing, public transit, neighborhood and community

services, environmental sustainability, real estate development, business growth, and commercial property. To meet these and other federal mandates, an issue based, multi-tiered engagement plan is essential.

- *Pilot Cities* - MTC and ABAG could establish a trial public participation process by test cities as a "road test" by partnering with several cities on a pilot basis. This could provide an opportunity to identify problem areas of the engagement plan and make corrective measures before implementing the plan throughout the region. Pilot test cities could be chosen for their ability to engage with their citizens and champion the ideas behind the SCS. The cities would vary by geographic location, community size and development choices.
- *Sub-regional approach* - MTC and ABAG could identify sub-regions or corridors around which to organize the public participation process.

Staff recognizes the current fiscal constraints for local governments. Embarking on an advance planning exercise such as the SCS will be challenging. On the other hand, current market conditions create more opportunities for planning, due to the lack of development pressure and an easing of the strains of current planning. It would be ideal to have these plans in place at the time the economy starts to rebound.

CEQA and an EIR for the Sustainable Communities Strategy

SB 375 provides various levels of CEQA relief to housing and mixed-use development projects based on a number of criteria, including consistency with an SCS. One way to provide a framework for determining "consistency" is to prepare a separate programmatic environmental impact review (EIR) for the SCS in addition to the EIR usually prepared for the RTP investment plan. Further, it might also be possible to craft a programmatic EIR for the SCS that others can 'tier off.' For example, a neighborhood specific plan, infrastructure project or development project might use the EIR for the SCS in their environmental compliance documents - thus streamlining the process.

The legal departments of ABAG and MTC will work with the program staff to assess the value that a 'tierable' programmatic EIR for the SCS might have for the region, its feasibility and alternative approaches. A broad range of interests will be consulted in this process, including local governments, potential users of a programmatic EIR, CEQA practitioners, the environmental community, community-based organizations, and social equity and other advocacy groups. A number of technical and legal issues, including the relationship to the EIR presently prepared for the RTP, will also need to be identified and resolved. Work to resolve these issues needs to occur as soon as possible, as it will clearly affect the manner in which we prepare the SCS. ABAG's counsel will be working with MTC's counsel throughout the process.

Our goal is not to further cloud the CEQA process through the adoption of the SCS. In fact, this may be an opportunity to use the SCS to assist the region with the task of complying with green house-gas-emissions component of CEQA. However, no project, at any level, will be exempted from CEQA as a result of ABAG and MTC adopting a 'tierable' programmatic EIR for the SCS.

Next Steps

Upon incorporation of the Executive Board's input and in coordination with MTC and our partner agencies, staff proposes initial discussions commencing this fall with local jurisdictions, CMAs, and other key stakeholder entities to refine a potential SB375 public participation process and work plan based on guiding policies expected to be adopted by the Joint Policy Committee in September.